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IN RE.)
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UNITED CITIES GAS COMPANY,)
a Division of ATMOS ENERGY) Consolidated Docket Nos 01-00704 and
CORPORATION INCENTIVE) 02-00850
PLAN (IPA) AUDIT)
)
UNITED CITIES GAS COMPANY,)
a Division of ATMOS ENERGY)
CORPORATION, PETITION TO)
AMEND THE PERFORMANCE)
BASED RATEMAKING)
MECHANISM RIDER)

**ATMOS ENERGY CORPORATION'S POST-TESTIMONY DISCOVERY REQUESTS
TO THE CONSUMER ADVOCATE AND PROTECTION DIVISION**

Pursuant to the scheduling order entered in this consolidated docket, the parties are permitted to submit discovery requests following the July 30, 2004 submission of pre-filed direct testimony in this matter. Atmos hereby submits the following discovery requests to the Consumer Advocate and Protection Division ("CAPD"). Pursuant to the amended scheduling order in this matter, responses must be filed and served by 2:00 p.m. CDT August 25, 2004.

I. GENERAL INSTRUCTIONS AND DEFINITIONS.

These discovery requests are of a continuing nature, and the CAPD is requested to file and serve supplemental responses and produce additional documents if it obtains or becomes aware of the existence of additional information or documents, not previously produced, falling within the scope of these discovery requests

As used herein, "Document" means all written, recorded or graphic matter, however produced or reproduced and whether or not now in existence, including, but not limited to,

originals (or copies where originals are not available) of correspondence, telegrams, notes, or sound recordings of any type of personal telephone conversations, or of meetings or conferences, agendas and minutes of directors, committee or council meetings, whether formal or informal, memoranda, interoffice communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical reports, stock books, ledgers, books of account, vouchers, bank checks, invoices, receipts, electronic and/or computerized data, electronic mail, stenographer notebooks, desk calendars, appointment books, operating statements, expense records, profit and loss statements, balance sheets, financial statements, listing or itemization of inventories, diaries or papers similar to any of the foregoing, however denominated. A draft or non-identical copy is a separate document within the meaning of this term.

If any document called for by any request herein is to be withheld pursuant to any purported privilege or immunity:

- state the basis for such claim of privilege or immunity (e.g., attorney-client privilege, work product doctrine),

- identify the document being withheld by stating the name or title of the document, the type of document, its date, author, addressee, copyee(s), a general description of its subject matter, its present location(s) and custodian(s), each person who, to your knowledge, has seen it and the exact grounds on which the objection to production is based; and

- state the number and/or portion of the request to which each such document would be responsive.

If any document or portion of any document called for by any request herein has been destroyed or lost, state the subject of each such document, identify the persons who originated, received copies of and/or read each such document; describe the contents of each such document; identify the location where a copy of each such document is or may be located; and, in cases where the document was destroyed, state the date of destruction, the name of the person who ordered or authorized such destruction and why the destruction was ordered or authorized.

II. DISCOVERY REQUESTS.

1 Please produce copies of all articles referenced in the Direct Testimony of Steve Brown, page 2, line 28.

RESPONSE

2. Identify all facts Mr. Brown relies upon in support of his assertion at page 5, lines 17-18 of his Direct Testimony that “the risk of penalty or loss is fundamental to the PBR.” Produce all Documents Mr. Brown reviewed or relies upon in making that assertion, including, without limitation, all statutes, rules, orders, and cases.

RESPONSE:

3. At page 6, lines 18-21, Mr. Brown states that “[m]y professional opinion as an economist is that the PBR is a ‘ratemaking.’” Please describe and/or define in detail what Mr. Brown means by identifying the PBR as “a ratemaking ” Describe the significance of Mr. Brown’s conclusion, at page 6, line 21 of his Direct Testimony, that the PBR is a “ratemaking.”

RESPONSE:

4 Identify all facts Mr. Brown relies upon in support of his statement, at page 7, lines 7-11, that the Authority has a “clear policy that the incentive program be conditioned by the Company’s gains and losses, rather than being conditioned solely by gains.” Produce all

Documents Mr Brown reviewed or relies upon in making that assertion, including, without limitation, all statutes, rules, orders, and cases.

RESPONSE:

5 Please produce copies of all testimony referenced in the Direct Testimony of Daniel W McCormac, page 2, line 26.

RESPONSE:

6. Identify all facts Mr McCormac relies upon in making the assertions at page 6, lines 1 - 11 of his Direct Testimony. Produce all Documents Mr. McCormac reviewed or relies upon in making those assertions.

RESPONSE:

7 Describe "the detailed audit and review" Mr. McCormac refers to on page 6, line 4 of his Direct Testimony.

RESPONSE

8 Identify all facts Mr McCormac relies upon in reaching his conclusion at page 11, lines 8-10 of his Direct Testimony, that approval of the proposed TIF tariff "would constitute

retroactive ratemaking.” Produce all Documents, including, without limitation, all statutes, rules, orders, and cases, Mr. McCormac reviewed or relies upon in reaching that conclusion.

RESPONSE

Respectfully submitted,

BAKER, DONELSON, BEARMAN
CALDWELL, & BERKOWITZ, P.C.

By: 
Joe A. Conner, TN BPR # 12031
Misty Smith Kelley, TN BPR # 19450
1800 Republic Centre
633 Chestnut Street
Chattanooga, TN 37450-1800
(423) 752-4417
(423) 752-9527 (Facsimile)
jconner@bakerdonelson.com
mkelley@bakerdonelson.com
Attorneys for Atmos Energy Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via U.S. Mail, postage prepaid, upon the following this the 13th day of August, 2004:

Russell T. Perkins
Timothy C. Phillips
Shilina B. Chatterjee
Office of the Attorney General
Consumer Advocate & Protection Division
P.O. Box 20207
Nashville, TN 37202

Randal L. Gilliam
Staff Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

